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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lalli et al.)	Group Art Unit: 3723
Serial No.: 10/666,890)	Examiner: Dung V Nguyen
Filed: 09/18/03)	
For: Disc Repair System)	Att'y Docket No.: P03950

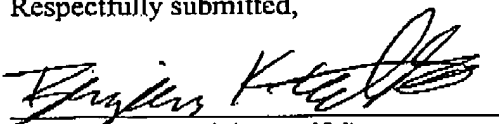
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

The Examiner's remarks of the Office Action mailed 12/30/2004 have been carefully considered and, responsive thereto, Applicant respectfully submits the following: Applicant, by the undersigned Agent of record, submits a corrected form hereby disclaiming the terminal part of the statutory term of any patent granted on the above-identified application, as set forth in the attached form PTO/SB/26 titled "TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT" dated 1/12/2005. The terminal disclaimer fee has been previously paid- the attached form is a replacement with corrections made as discussed with Jan Hurley per phone conversation on 1/12/2005. If there are any fees incurred, please deduct them from our Deposit Account NO. 50-1887.

Respectfully submitted,

Date: January 12, 2005


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Agent For Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to the Patent and Trademark Office fax number (703)-872-9306 on January 12, 2005.

Date 1/12/05

Signature:


BENJAMIN K. ERLICK, Agent for Appl.

PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
P03950

In re Application of: Edward A. Lalli, et al.

Application No.: 10/666,890

Filed: September 18, 2003

For: "DISC REPAIR SYSTEM"

The owner, Edward A. Lalli / William M. Doherty / John L. Doherty Jr. of 33/33/34 (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 8,638,149 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

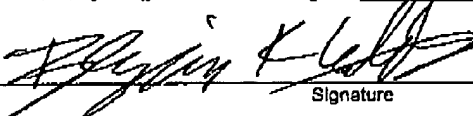
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 51,656


Signature

1/12/05
Date

Benjamin K. Erlick
Typed or printed name

602-263-9200
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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